

EXHIBIT N

**Emails Between the Parties
Regarding DFA's Proposed Custodians & Search Terms for Plaintiffs'
2nd Set of Requests for Production to DFA
October 26, 2020**

From: [Simpson, Carter C.](#)
To: ["AMcDonald@bakerandmiller.com"](#)
Cc: ["Bakowski Alan W.";](#) ["Cooney III, James P.";](#) ["Powell, Brent";](#) ["Sarah.Stone@wbd-us.com";](#)
["TMiller@bakerandmiller.com";](#) ["ECastillo@bakerandmiller.com";](#) ["michael.egge@lw.com";](#) [Phair, Ryan P.;](#) [Martin, Jack;](#) [Hahm, Kevin;](#) [Oeltjenbruns, Kelly;](#) [Rich, Ryan G.;](#) ["Lamberth, James A.";](#) ["eglavich@bakerandmiller.com"](#)
Subject: RE: DFA's Proposed Custodians & Search Terms for Pls" 2nd Set of RFPs to DFA
Date: Monday, October 26, 2020 11:39:11 PM
Attachments: [2020.10.26 DFA search terms side-by-side comparison.xlsx](#)

Amber,

Attached please find a side-by-side comparison between the search terms that Plaintiffs proposed on September 25, 2020, and those that you sent on Friday. Because you did not respond to all of our proposed searches, and offered only select counterproposals for each custodian, I have attempted to match your latest proposals up with the corresponding search string from our proposals. The eight strings listed below did not squarely fit into (i.e., appeared to be a combination of) several of our strings, so I divvied them up into the corresponding strings – see lines 201-216 and 244-251. Please let me know if any of those lines inaccurately characterize your current proposal.

Winston* w/5 (plan* OR sell* OR sale* OR idl* OR shutdown* OR "shut down" OR clos* OR expand* OR increas* OR grow*)
(HP OR H.P. OR H-P OR "High Point") w/5 (plan* OR sell* OR sale* OR idl* OR shutdown* OR "shut down" OR clos* OR expand* OR increas* OR grow*)
Spartanburg w/5 (plan* OR sell* OR sale* OR idl* OR shutdown* OR "shut down" OR clos* OR expand* OR increas* OR grow*)
Carolina* w/5 (plan* OR sell* OR sale* OR idl* OR shutdown* OR "shut down" OR clos* OR expand* OR increas* OR grow*)
"NC" w/5 (plan* OR sell* OR sale* OR idl* OR shutdown* OR "shut down" OR clos* OR expand* OR increas* OR grow*)
"N.C." w/5 (plan* OR sell* OR sale* OR idl* OR shutdown* OR "shut down" OR clos* OR expand* OR increas* OR grow*)
"SC" w/5 (plan* OR sell* OR sale* OR idl* OR shutdown* OR "shut down" OR clos* OR expand* OR increas* OR grow*)
"S.C." w/5 (plan* OR sell* OR sale* OR idl* OR shutdown* OR "shut down" OR clos* OR expand* OR increas* OR grow*)

DFA reported on October 21 that its delay in responding was because it was testing Food Lion's 220+ search strings against its custodians, yet your Friday chart and letter provide no metrics or reasons

for deviating from those search strings. Without such information, we cannot assess the reasonableness of any of DFA's counterproposals. As indicated in both our September 29 letter and on our October 6 call, we are amenable to adjusting searches where hit counts prove disproportionate with the relevance of a given term or string, or if unique circumstances render a given term or string disproportionately overbroad with respect to a specific custodian, but you have provided no information to inform this discussion.

In light of what little time we have remaining in fact discovery, please provide **by October 28, 2020**, metrics for those search strings – and those terms within search strings – that DFA is refusing to run, and please set forth DFA's justification for either removing or narrowing such strings or terms in light of the hit counts. Please also provide metrics and justifications where DFA is not offering to run a search string against a specific custodian's documents. Finally, let me know if you are available for a meet-and-confer at 11 a.m. the morning of Thursday, October 29, to walk through DFA's counterproposals.

Best,

Carter C. Simpson

Hunton Andrews Kurth LLP

w. 202-955-1850

c. 843-618-7917

From: Simpson, Carter C.

Sent: Friday, October 23, 2020 4:57 PM

To: 'AMcDonald@bakerandmiller.com' <AMcDonald@bakerandmiller.com>

Cc: Bakowski Alan W. <alan.bakowski@troutman.com>; Cooney III, James P. <Jim.Cooney@wbd-us.com>; Powell, Brent <Brent.Powell@wbd-us.com>; Sarah.Stone@wbd-us.com; TMiller@bakerandmiller.com; ECastillo@bakerandmiller.com; michael.egge@lw.com; Phair, Ryan P. <rphair@hunton.com>; Martin, Jack <martinj@hunton.com>; Hahm, Kevin <KHahm@hunton.com>; Oeltjenbruns, Kelly <KOeltjenbruns@hunton.com>; Rich, Ryan G. <rrich@hunton.com>; Lamberth, James A. <james.lamberth@troutman.com>; eglavich@bakerandmiller.com

Subject: RE: DFA's Proposed Custodians & Search Terms for Pls' 2nd Set of RFPs to DFA

Amber,

I am writing to follow up again on my September 29 letter concerning DFA custodians and my September 29 chart concerning search terms. Please let me know when Plaintiffs can expect responses and counterproposals from DFA.

Best,

Carter C. Simpson

Hunton Andrews Kurth LLP

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From: AMcDonald@bakerandmiller.com <AMcDonald@bakerandmiller.com>
Sent: Wednesday, October 21, 2020 6:22 PM
To: Simpson, Carter C. <csimpson@hunton.com>
Cc: Bakowski Alan W. <alan.bakowski@troutman.com>; Cooney III, James P. <Jim.Cooney@wbd-us.com>; Powell, Brent <Brent.Powell@wbd-us.com>; Sarah.Stone@wbd-us.com; TMiller@bakerandmiller.com; ECastillo@bakerandmiller.com; michael.egge@lw.com; Phair, Ryan P. <rphair@hunton.com>; Martin, Jack <martinj@hunton.com>; Hahm, Kevin <KHahm@hunton.com>; Oeltjenbruns, Kelly <KOeltjenbruns@hunton.com>; Rich, Ryan G. <r-rich@hunton.com>; Lamberth, James A. <james.lamberth@troutman.com>; eglavich@bakerandmiller.com
Subject: RE: DFA's Proposed Custodians & Search Terms for Pls' 2nd Set of RFPs to DFA

Carter,

Two (not three) weeks have passed since my October 6th letter and the conversation between the parties that DFA would undertake to apply Plaintiffs' search terms on a custodian-by-custodian basis. As you are surely aware, it can take time to test search terms, particularly where the volume of documents involved is substantial. This is especially true when testing more than 220 search strings across numerous custodians. At present, we are waiting for client sign off on our proposed position with respect to the search terms and custodians, and we hope to have a response to Plaintiffs in short order. Notwithstanding this search term testing, we continue to review and produce documents, using the currently agreed-upon search terms and custodians. In addition, you will note that our most recent production included documents from two legacy Dean custodians about whom Plaintiffs had previously inquired -- namely, Brent Bunce and Bruce Matson.

Thank you,

Amber

Amber L. McDonald
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Direct: 202.663.7828
Fax: 202.663.7849

amcdonald@bakerandmiller.com

-----"Simpson, Carter C." <csimpson@hunton.com> wrote: -----

To: "AMcDonald@bakerandmiller.com" <AMcDonald@bakerandmiller.com>
From: "Simpson, Carter C." <csimpson@hunton.com>
Date: 10/19/2020 11:22PM
Cc: "Bakowski Alan W." <alan.bakowski@troutman.com>, "Cooney III, James P." <Jim.Cooney@wbd-us.com>, "Powell, Brent" <Brent.Powell@wbd-us.com>, "Sarah.Stone@wbd-us.com" <Sarah.Stone@wbd-us.com>, "TMiller@bakerandmiller.com" <TMiller@bakerandmiller.com>, "ECastillo@bakerandmiller.com" <ECastillo@bakerandmiller.com>, "michael.egge@lw.com" <michael.egge@lw.com>, "Phair, Ryan P." <rphair@hunton.com>, "Martin, Jack" <martinj@hunton.com>, "Hahm, Kevin" <KHahm@hunton.com>, "Oeltjenbruns, Kelly" <KOeltjenbruns@hunton.com>, "Rich, Ryan G." <r-rich@hunton.com>, "Lamberth, James A."

<james.lamberth@troutman.com>, "eglavich@bakerandmiller.com"
<eglavich@bakerandmiller.com>

Subject: RE: DFA's Proposed Custodians & Search Terms for Pls' 2nd Set of RFPs to DFA

Amber,

I am writing to follow up on DFA's responses to our September 29 letter concerning DFA custodians and our September 29 proposals for search strings to run against DFA's documents and custodians.

In your October 6 letter declining our request that you run your search terms across all custodians, DFA told us that it would be responding regarding its custodians under separate cover. On our two teleconferences since that letter, DFA has told us that the requested information and the search term counterproposals will be arriving shortly. Given that three weeks have now passed, and the deadline for fact discovery less than a month away, we ask that you provide substantive responses on these subjects by Wednesday.

Best,

Carter C. Simpson
Hunton Andrews Kurth LLP
w. 202-955-1850
c. 843-618-7917

From: AMcDonald@bakerandmiller.com <AMcDonald@bakerandmiller.com>

Sent: Tuesday, October 6, 2020 2:02 PM

To: Simpson, Carter C. <csimpson@hunton.com>

Cc: Bakowski Alan W. <alan.bakowski@troutman.com>; Cooney III, James P. <Jim.Cooney@wbd-us.com>; Powell, Brent <Brent.Powell@wbd-us.com>; Sarah.Stone@wbd-us.com; TMiller@bakerandmiller.com; ECastillo@bakerandmiller.com; michael.egge@lw.com; Phair, Ryan P. <rphair@hunton.com>; Martin, Jack <martinj@hunton.com>; Hahm, Kevin <KHahm@hunton.com>; Oeltjenbruns, Kelly <KOeltjenbruns@hunton.com>; Rich, Ryan G. <r-rich@hunton.com>; Lamberth, James A. <james.lamberth@troutman.com>; eglavich@bakerandmiller.com

Subject: RE: DFA's Proposed Custodians & Search Terms for Pls' 2nd Set of RFPs to DFA

Carter,

Attached please find a response to your 9/29 letter regarding custodians and search terms. Please let me know if you have any questions.

Thank you,

Amber

Amber L. McDonald
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Suite 300
Washington, DC 20037

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Fax: 202.663.7849

amcdonald@bakerandmiller.com

-----"Simpson, Carter C." <csimpson@hunton.com> wrote: -----

To: "AMcDonald@bakerandmiller.com" <AMcDonald@bakerandmiller.com>, "Bakowski Alan W." <alan.bakowski@troutman.com>
From: "Simpson, Carter C." <csimpson@hunton.com>
Date: 09/29/2020 05:00PM
Cc: "Cooney III, James P." <Jim.Cooney@wbd-us.com>, "Powell, Brent" <Brent.Powell@wbd-us.com>, "Sarah.Stone@wbd-us.com" <Sarah.Stone@wbd-us.com>, "TMiller@bakerandmiller.com" <TMiller@bakerandmiller.com>, "ECastillo@bakerandmiller.com" <ECastillo@bakerandmiller.com>, "michael.egge@lw.com" <michael.egge@lw.com>, "Phair, Ryan P." <rphair@hunton.com>, "Martin, Jack" <martinj@hunton.com>, "Hahm, Kevin" <KHahm@hunton.com>, "Oeltjenbruns, Kelly" <KOeltjenbruns@hunton.com>, "Rich, Ryan G." <rrich@hunton.com>, "Lamberth, James A." <james.lamberth@troutman.com>, "eglavich@bakerandmiller.com" <eglavich@bakerandmiller.com>
Subject: RE: DFA's Proposed Custodians & Search Terms for Pls' 2nd Set of RFPs to DFA

Thanks for sending this last week, Amber. As previewed on last Wednesday's call, attached please find a letter concerning DFA's custodians and Plaintiffs' proposals for omnibus search terms appropriate under Plaintiffs' first, second, and third requests for production (except those subject to the protective order motion). We are available to discuss at your convenience.

Best,

Carter C. Simpson
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w. 202-955-1850
c. 843-618-7917

From: AMcDonald@bakerandmiller.com <AMcDonald@bakerandmiller.com>

Sent: Monday, September 21, 2020 5:53 PM

To: Simpson, Carter C. <csimpson@hunton.com>; Bakowski Alan W. <alan.bakowski@troutman.com>

Cc: Cooney III, James P. <Jim.Cooney@wbd-us.com>; Powell, Brent <Brent.Powell@wbd-us.com>; Sarah.Stone@wbd-us.com; TMiller@bakerandmiller.com; ECastillo@bakerandmiller.com; michael.egge@lw.com; Phair, Ryan P. <rphair@hunton.com>; Martin, Jack <martinj@hunton.com>; Hahm, Kevin <KHahm@hunton.com>; Oeltjenbruns, Kelly <KOeltjenbruns@hunton.com>; Rich, Ryan G. <rrich@hunton.com>; Lamberth, James A. <james.lamberth@troutman.com>; eglavich@bakerandmiller.com

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Alan and Carter,

Attached please find a list of individuals who DFA believes are reasonably likely to have

non-duplicative documents responsive to those Requests within Plaintiffs' Second Set of Requests for Production that are appropriate for custodial review, as well as proposed search terms for identifying documents that may be responsive to Plaintiffs' Second Set of Requests for Production to DFA, subject to DFA's Responses and Objections. The selection of custodians or search terms do not constitute an admission as to the relevance or admissibility of documents containing the proposed terms or of the matters raised in Plaintiffs' Second Set of Requests. DFA reserves the right to amend or modify all proposed custodians and search terms.

Thank you,

Amber

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[attachment "2020.09.29 FL consolidated search terms for DFA.xlsx" removed by Amber McDonald/bakermiller]

[attachment "2020.09.29 C. Simpson to A. McDonald re DFA custodians and STs.pdf" removed by Amber McDonald/bakermiller]

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